

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

In the matter of:

Review of Federal Communications Commission's)	
Triennial Review Order Regarding Unbundling)	
Requirements for Individual Network Elements)	Case No. 2003-00379

**RESPONSES AND OBJECTIONS OF NETWORK TELEPHONE CORPORATION TO
BELLSOUTH'S FIRST REQUEST FOR PRODUCTION**

COMES NOW Network Telephone Corporation ("Network Telephone"), by and through its undersigned counsel, and hereby files with the Kentucky Public Service Commission (the "Commission") these Responses and Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents (1-21) (each a "Request," and collectively, the "Requests").

GENERAL OBJECTIONS

Network Telephone makes the following general objections to the Requests:

1.

Network Telephone objects to the "Definitions" section, the "General Instructions," and the individual Requests to the extent that they are overly broad, unduly burdensome, and/or oppressive. Network Telephone will attempt to identify specific individual Requests to which this objection applies within the specific objections that follow.

2.

Network Telephone objects to the "Definitions," the "General Instructions," and the Requests to the extent they are irrelevant and not likely to lead to the discovery of admissible evidence. By way of illustration and not limitation, Network Telephone objects to Requests that

seek materials and documents that are inconsistent with or unrelated to the parameters and methodology of the impairment analysis prescribed by the Federal Communications Commission (“FCC”) in its Triennial Review Order. Network Telephone will attempt to identify individual Requests to which this general objection is applicable within the specific objections that follow.

3.

Network Telephone objects to the “Definitions,” the “General Instructions,” and the Requests to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations and are not properly defined or explained for purposes of responding to the Requests.

4.

Network Telephone objects to the “General Instructions” and the Requests to the extent that they seek to impose discovery obligations on Network Telephone that exceed the scope of discovery allowed by applicable Kentucky law and rules of civil procedure.

5.

Network Telephone objects to the “General Instructions” section and the individual Requests to the extent that the “instructions” seek disclosure of “all documents,” materials or information in Network Telephone’s possession. Network Telephone’s responses will provide all non-privileged and otherwise discoverable information obtained by Network Telephone after a reasonable and diligent search conducted in connection with the Requests. Such search will include a review of only those files that are reasonably expected to contain the requested documents and/or information. To the extent that “instructions” or individual Requests require more, Network Telephone objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming, and unnecessary to accomplish

BellSouth's legitimate discovery needs.

6.

Network Telephone objects to the Requests to the extent that they seek discovery of materials and/or information protected by attorney/client privilege, the work product doctrine or any other applicable privilege.

7.

Network Telephone objects to the Requests to the extent that they would require disclosure of information that constitutes trade secrets and/or confidential and proprietary information that should be disclosed either not at all or only pursuant to the terms of a mutually acceptable confidentiality agreement and use of the Commission's rules and orders governing confidentiality

8.

Network Telephone objects to all Requests that would require the production of materials and/or information that is already in BellSouth's possession or in the public record before the Commission. To duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

9.

Network Telephone objects to the Requests to the extent BellSouth seeks to impose an obligation on Network Telephone to respond on behalf of subsidiaries and/or former officers, employees, agents, and directors on the grounds that such Requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

10.

Network Telephone objects to the use of the terms "qualifying service" and

“nonqualifying service” on the grounds the terms are subject to differing interpretations.

SPECIFIC OBJECTIONS

Network Telephone hereby incorporates the above general objections by reference.

Network Telephone will attempt to identify individual items that are subject to objection.

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REQUESTS FOR PRODUCTION

1. Produce all documents identified in response to BellSouth's First Set of Interrogatories.

Response: Network Telephone incorporates by reference its specific objections to interrogatories and objects to providing confidential and proprietary documents that have no relevance to this proceeding. Other than the objections noted, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

2. Produce every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service in the State of Kentucky.

Response: Network Telephone incorporates by reference its specific objections to interrogatories and general objections to production of documents. Network Telephone objects to providing confidential and proprietary documents that have no relevance to this proceeding.

Response provided by Margaret Ring.

3. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you only provide qualifying service.

Response: Subject to objections already stated, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

4. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Kentucky to whom you only provide qualifying service.

Response: Subject to objections already stated, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

5. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you only provide non-qualifying service.

Response: Subject to objections already stated, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

6. Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Kentucky to whom you provide both qualifying and non-qualifying service.

Response: Subject to objections already stated, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

7. Produce all documents referring or relating to the average number of access lines you provide to end user customers in Kentucky to whom you provide both qualifying and non-qualifying service.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

8. Provide all documents referring or relating to the classifications used by Network Telephone to offer service to end user customers in Kentucky (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers).

Response: Other than references in its publicly available tariffs, Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

9. Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by Network Telephone, as requested in BellSouth's First Set of Interrogatories, No. 34.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

10. Produce all documents referring or relating to the typical churn for each class or type of end user customers served by Network Telephone, as requested in BellSouth's First Set of Interrogatories, No. 35.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

11. Produce all documents referring or relating to how Network Telephone determines whether to serve an individual customer's location with multiple DS0s or with a DS1 or larger transmission system.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

12. Produce all documents referring or relating to the typical or average number of DS0s at which Network Telephone would choose to serve a particular customer with as DS1 or larger transmission system as opposed to multiple DS0, all other things being equal.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

13. Produce all documents referring or relating to the cost of capital used by Network Telephone in evaluating whether to offer qualifying service in a particular geographic market.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

14. Produce all documents referring or relating to the time period used by Network Telephone in evaluating whether to offer a qualifying service in a particular geographic market (e.g., one year, five years, ten years or some other time horizon over which a project is evaluated.)

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

15. Produce all documents referring or relating to your estimates of sales expense when evaluating whether to offer a qualifying service in a particular geographic market.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

16. Produce all documents referring or relating to your estimates of general and administrative (G&A) expenses when evaluating whether to offer a qualifying service in a particular geographic market.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

17. Produce all documents referring or relating to any complaints by Network Telephone or its end user customers about individual hot cuts performed by BellSouth since January 1, 2000.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

18. Produce all documents referring or relating to a batch hot cut process used by any ILEC in the BellSouth region that is acceptable to Network Telephone or that Network Telephone believes is superior to BellSouth's batch hot cut process.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

19. Produce all documents referring or relating to an individual hot cut process used by an ILEC in the BellSouth region that is acceptable to Network Telephone or that Network Telephone believes is superior to BellSouth's individual hot cut process.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

20. Produce all documents referring or relating to a batch hot cut process used by any ILEC outside the BellSouth region that is acceptable to Network Telephone or that Network Telephone believes is superior to BellSouth's batch hot cut process.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

21. Produce all documents referring or relating to an individual hot cut process used by any ILEC outside the BellSouth region that is acceptable to Network Telephone or the Network Telephone believes is superior to BellSouth's individual hot cut process.

Response: Network Telephone has no documents responsive to this request.

Response provided by Margaret Ring.

Respectfully submitted this 17th day of December, 2003.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that the electronic version of this filing made with the Commission this 17th day of December is a true and accurate copy of the documents attached hereto in paper form. This version was transmitted to the Commission for forwarding to those persons receiving electronic notices from the Commission in this case. A copy of the filing was also served by U.S. mail on December 17th to those persons whose postal addresses appear on the service list below.

/s/

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